

COMMITTEE AMENDMENT FORM

DATE: 4/30/08

COMMITTEE ZONING PAGE NUM. (S)

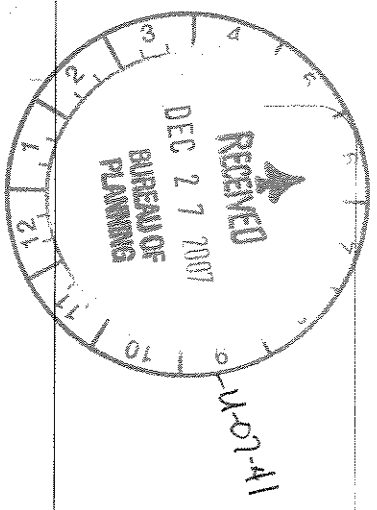
ORDINANCE I. D. #08-O-0102 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

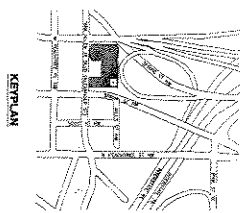
AMENDS THE LEGISLATION BY ADDING FIVE (5) CONITIONS ONE OF WHICH IS A SITE PLAN DATED APRIL 3, 2007.

CONDITIONS FOR U-07-41 for 45 Allen Plaza, N.W. (aka 55 Alexander Street)

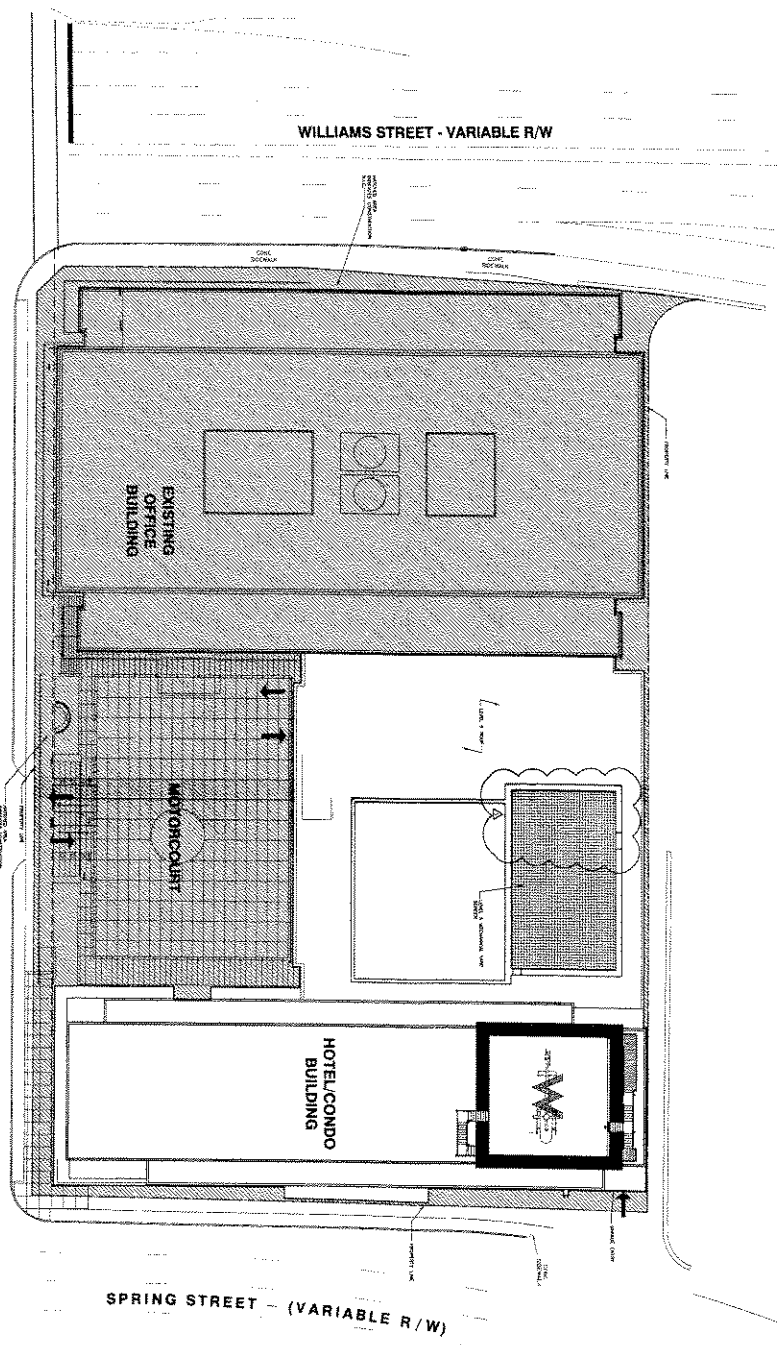
1. The subject property shall be developed in accordance with the site plan, prepared for W Atlanta Downtown Hotel and Residences, dated April 3, 2007.
2. All lighting shall be designed so as to minimize glare and light spillover.
3. The subject property shall with all applicable regulations of the Federal Aviation Administration related to the operation of helicopter landing facilities.
4. The special use permit for a helicopter landing facility shall be valid only as long as the W Atlanta Downtown Hotel and Residences is the owner and operator of the hotel.
5. This SUP for the helipad is conditioned on the applicant's specific agreement that it waives any claim against the City of Atlanta and/or its elected officials, employees, agents and attorneys, which could be raised in any court or before any administrative body, that the right to operate the helipad shall prevent the permitting of structures or any other redevelopment of any properties which might cause the loss of the applicant's right to operate the helipad due to the operation of any state or federal regulation whether in effect now or enacted in the future.



ELEVATION REFERENCE NOTES
 1. GROUND FLOOR LOBBY
 ELEVATION = 100'-0"
 2. MECH. FLOOR ELEVATION
 HIGH POINT = 40'-0"



01 SITE PLAN



IVAN ALLEN JR. BLVD. - (40' R/W)

SPRING STREET - (VARIABLE R/W)



W ATLANTA DOWNTOWN HOTEL AND RESIDENCES
 45 ALLEN PLAZA
 ATLANTA, GEORGIA

HKS
 HKS, INC.
 1000 BAYVIEW BLVD., SUITE 1000
 ATLANTA, GA 30329
 TEL: 404.521.1000
 FAX: 404.521.1001
 WWW.HKS.COM

A1.00

U-07-41

City Council
Atlanta, Georgia

08-0-0102
U-07-41

AN ORDINANCE
BY: ZONING COMMITTEE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-18K.004 of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **HELIPAD** is hereby approved. Said use is granted to **45 ALLEN PLAZA DEVELOPMENT LLC.** and is to be located at **45 ALLEN PLAZA, N.W.** (aka 55 Alexander Street, N.W.) to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 79, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

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DEC 27 2005

Bureau of
PlanningEXHIBIT "A"

14-00-0

CONDOMINIUM LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 79, 14th District, City of Atlanta, Fulton County, Georgia, and being identified and depicted as the "Residential Unit" of 45 Allen Plaza, a Condominium (the "Master Condominium") together with all limited common elements assigned to the Residential Unit and the Residential Unit's pro rata interest in the common elements of the Master Condominium. The Master Condominium has been or will be subjected to the condominium form of ownership pursuant to that certain master declaration of condominium, and all matters referenced therein, as more particularly described and delineated in the Master Declaration of Condominium for 45 Allen Plaza, recorded in Deed Book _____, Page _____, et seq., in the Office of the Clerk of Superior Court of Fulton County, Georgia, records, (said master declaration together with all exhibits thereto and as may be amended and supplemented from time to time, hereinafter being referred to collectively as the "Master Declaration"), and all matters shown on the plat recorded in Condominium Plat Book _____, Page _____, aforesaid records, as the same may be amended, and the floor plans recorded in Condominium Floor Plans Book _____, Page _____, aforesaid records, as the same may be amended.

The Master Condominium shall be located within the Tract 1 and Tract 2 Property being more particularly described as follows:

Tract 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 79, 14th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street) (40-foot right of way) and the easterly right of way line of Williams Street (variable right of way), run thence along said easterly right of way line of Williams Street the following three (3) courses and distances: (1) North 00 degrees 29 minutes 32 seconds East a distance of 100.00 feet to a point, (2) North 03 degrees 54 minutes 53 seconds East a distance of 110.90 feet to a point, and (3) along a curve to the right an arc distance of 19.24 feet (said arc being subtended by a chord bearing North 04 degrees 59 minutes 03 seconds East a chord distance of 19.24 feet and having a radius of 515.44 feet) to a point; leaving said easterly right of way line of Williams Street, run thence South 89 degrees 22 minutes 07 seconds East a distance of 339.99 feet to a point located on the westerly right of way line of Spring Street (variable right of way); run thence along said westerly right of way line of Spring Street South 01 degree 31 minutes 54 seconds West a distance of 229.80 feet to a point at the intersection of said westerly right of way line and the northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street); run thence along said northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street) North 89 degrees 23 minutes 28 seconds West a distance of 343.95 feet to a point located at the intersection of said northerly right of way line and the easterly right of way line of Williams Street and the POINT OF BEGINNING; shown as Tract 1, containing 1.81416 acres, on that certain survey entitled "ALTA/ACSM Land Title Survey for 55 Allen Plaza Associates, LLC, Bank of America, N.A., as Administrative Agent, Union Security Insurance Company, Time Insurance Company and Chicago Title Insurance Company", prepared by Watts & Browning Engineers, Inc., bearing the seal and certification of Virgil T. Hammond, Georgia Registered Land Surveyor No. 2554, dated February 4, 2000, last revised December 20, 2005.

Tract 2

17-20-0

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 79, 14th District, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a point located at the intersection of the northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street) (40-foot right of way) and the easterly right of way line of Williams Street (variable right of way), run thence along said easterly right of way line of Williams Street the following three (3) courses and distances: (1) North 00 degrees 29 minutes 32 seconds East a distance of 100.00 feet to a point, (2) North 03 degrees 54 minutes 53 seconds East a distance of 110.90 feet to a point, and (3) along a curve to the right an arc distance of 19.24 feet (said arc being subtended by a chord bearing North 04 degrees 59 minutes 03 seconds East a chord distance of 19.24 feet and having a radius of 515.44 feet) to a point and THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, continue thence along said easterly right of way line of Williams Street along a curve to the right an arc distance of 21.48 feet (said arc being subtended by a chord bearing North 07 degrees 14 minutes 51 seconds East a chord distance of 21.47 feet and having a radius of 515.44 feet) to a point; leaving said easterly right of way line of Williams Street, run thence along a curve to the left an arc distance of 32.06 feet (said arc being subtended by a chord bearing South 40 degrees 27 minutes 50 seconds East a chord distance of 28.30 feet and having a radius of 18.78 feet) to a point; run thence North 89 degrees 22 minutes 07 seconds West a distance of 21.08 feet to a point located on the easterly right of way line of Williams Street and THE TRUE POINT OF BEGINNING; shown as Tract 2, containing .00230 acres, on that certain survey entitled "ALTA/ACSM Land Title Survey for 55 Allen Plaza Associates, LLC, Bank of America, N.A., as Administrative Agent, Union Security Insurance Company, Time Insurance Company and Chicago Title Insurance Company", prepared by Watts & Browning Engineers, Inc., bearing the seal and certification of Virgil T. Hammond, Georgia Registered Land Surveyor No. 2554, dated February 4, 2000, last revised December 20, 2005.

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LESS AND EXCEPT FROM THE ABOVE DESCRIBED TRACT 1 AND TRACT 2 PROPERTY
THE FOLLOWING:

Tract 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 79, 14th District, Fulton County, Georgia, and being more particularly described as follows:

A three-dimensional parcel of air space having its bottom horizontal plane located at the 988.7-foot Level based on the National Geodetic Vertical Datum 1929 ("NGVD 29"), and having the sides of such parcel of air space being perpendicular to and having such horizontal plane and above the boundaries of the following described property:

BEGINNING at a point located at the intersection of the northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street) (40-foot right of way) and the easterly right of way line of Williams Street (variable right of way), run thence along said easterly right of way line of Williams Street the following three (3) courses and distances: (1) North 00 degrees 29 minutes 32 seconds East a distance of 100.00 feet to a point, (2) North 03 degrees 54 minutes 53 seconds East a distance of 110.90 feet to a point, and (3) along a curve to the right an arc distance of 19.24 feet (said arc being subtended by a chord bearing North 04 degrees 59 minutes 03 seconds East a chord distance of 19.24 feet and having a radius of 515.44 feet) to a point; leaving said easterly right of way line of Williams Street, run thence South 89 degrees 22 minutes 07 seconds East a distance of 135.51 feet to a point; run thence South 00 degrees 36 minutes 00 seconds West a distance of 126.52 feet to a point; run thence South 89 degrees 24 minutes 00 seconds East a distance of 4.33 feet to a point; run thence South 00 degrees 36 minutes 00 seconds West a distance of 103.33 feet to a point on the northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street); run thence along said northerly right of way line of Ivan Allen Jr. Boulevard (formerly Alexander Street) North 89 degrees 23 minutes 28 seconds West a distance of 147.53 feet to a point located at the intersection of said northerly right of way line and the easterly right of way line of Williams Street and the POINT OF BEGINNING; shown on that certain survey entitled "ALTA/ACSM Land Title Survey for 55 Allen Plaza Associates, LLC, Bank of America, N.A., as Administrative Agent, Union Security Insurance Company, Time Insurance Company and Chicago Title Insurance Company", prepared by

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Tract 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 79, 14th District, Fulton County, Georgia, and being more particularly described as follows:

A three-dimensional parcel of air space having its bottom horizontal plane located at the 988.7-foot Level based on the National Geodetic Vertical Datum 1929 ("NGVD 29"), and having the sides of such parcel of air space being perpendicular to and having such horizontal plane and above the boundaries of the following described property:

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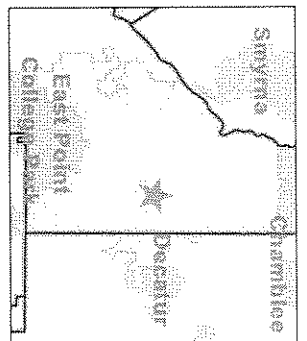
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84-23-20 W



Notes: 45 Allen Plaza (aka 55 Alexander Street, N.W.)

Map center: 2228823, 1369637



- ## Legend
-  Points of Interest
 -  Zoning Districts
 -  Centerline4
 -  Other Limited Access
 -  State Route
 -  Arterial Roads
 -  Streets
 -  Ramps
 -  Unknown
 -  Interstates
 -  County Boundaries
 -  Building Footprints
 -  Parks
 -  Streams
 -  Parcel Dimensions
 -  Parcel Address
 -  Parcels
 -  Greenway Acquisitions
 -  Atlanta City Limits
 -  Metro Cities



Scale: 1:888

RCS# 1684
1/22/08
4:21 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 08-O-0097,08-O-0098,08-O-0099,08-O-0100
 08-O-0101,08-O-0102,08-O-0103
 REFERR ZRB/ZONE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 3
ABSENT 1

Y Smith	Y Archibong	E Moore	E Mitchell
B Hall	NV Fauver	Y Martin	E Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE